IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WA.No. 745 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.33777/2006
DATED 8.3.2007
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APPELLANT: PETITIONER

P.K.VENUGOPALAN, S/O LATE KUNJAPPAN,
RETIRED AS SENIOR SUPERINTENDENT, A.E.O. OFFICE,
KOOTHATTUKULAM, RESIDING AT ANANTHAPURI,
EROOR SOUTH (P.O), THRIPPUNITHURA.

BY ADV. SMT.K.V.BHADRA KUMARI

RESPONDENTS: RESPONDENTS
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1. SPECIAL DEPUTY TAHSILDAR(RR),
K.S.F.E. LTD., KACHERIPADI, ERNAKULAM.

2. THE SUB-TREASURY OFFICER,
KOOTHATTUKULAM.

3. M.V.SOMAN, U.D.CLERK,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
KAKKANAD.

4. MAGI JOY, W/O JOY JOSEPH,
ANJIPARAMBIL HOUSE, EDAPPALLY (P.O.).

5. DEEPAK, S/O JOY JOSEPH,
ANJIPARAMBIL HOUSE, EDAPPALLY(P.O.).

6. SHEEBA, D/O JOY JOSEPH,
ANJIPARAMBIL HOUSE, EDAPPALLY (P.O.).

7. THE MANAGER,
PALARIVATTOM BRANCH, K.S.F.E.LTD.

BY ADV. SRI.K.S.HARIHARAPUTHRAN,SC,K.S.F.E. LTD
GOVT.PLEADER SMT.K.MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.A.No.745 OF 2007

Dated 22nd March, 2007

JUDGMENT

Koshy,J.

Appellant/petitioner was a surety to a loan availed by the deceased husband and father of respondents 4 to 6 respectively. A stay order was granted against recovery proceedings. Later, interim stay was not extended and salary for the month of January was not released. Actually the petitioner retired on 31.1.2007. Therefore, the question is only regarding the salary for the month of January. Learned Single Judge by interim order directed that recovery can be effected strictly in accordance with Section 60 of the Code of Civil Procedure and Section 80 of the Revenue Recovery Act and first respondent was directed to consider the exact amount payable to the petitioner and to give the balance amount forthwith. The order was passed on 8.3.2007. The exact amount that can be recovered on the basis of Section 60 CPC and 80 of the Revenue Recovery Act was not so far decided by the first respondent. In the above circumstances, we direct the first respondent to decide the matter within one week from the production of a copy of this judgment and disburse the balance salary payable to the petitioner immediately.

Petitioner shall produce a copy of this judgment before the first respondent for immediate enforcement. For consideration of the contentions raised in the writ petition, petitioner shall approach the learned Single Judge for an early posting of the writ petition.

The writ appeal is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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